

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL VERDEL,  
a/k/a "Michael Verdall",

Petitioner,

- against -

DAVID MILLER, Superintendent of  
Eastern Correctional Facility,

Respondent.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the August 9, 2006 Report and Recommendation of United States Magistrate Judge Douglas F. Eaton. The Report and Recommendation recommends that Petitioner Michael Verdel's Petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. The Court granted Petitioner an extension of time to file objections to the Report and Recommendation by November 11, 2006. To date Petitioner has not filed any objections.

The District Court is required under 28 U.S.C. § 636(b)(1)(C) to make a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Where no timely objection has been made, or where a party only raises general objections, "a

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district court need only satisfy itself there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). After conducting the appropriate level of review, the Court may then accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1)(C); see also Local Civil Rule 72.1(d).

Accordingly, having reviewed the Report and Recommendation and the record herein de novo, and having found no clear error, it is hereby ORDERED AND ADJUDGED as follows:

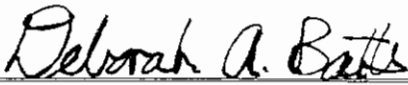
1. The Report and Recommendation of United States Magistrate Judge Douglas F. Eaton dated August 9, 2006, be and the same hereby is approved, adopted, and ratified by the Court in its entirety; and

2. The instant Petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is hereby DENIED. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; Lozada v. United States, 107 F.3d 1011 (2d Cir. 1997). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438 (1962).

The Clerk of Court is directed to close the docket in this case.

SO ORDERED.

Dated: New York, New York  
February 15, 2008

  
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DEBORAH A. BATTS  
United States District Judge